

W. Kent Howard  
7 Gibson Place  
Gaithersburg, Maryland 20878

January 4, 2005

Sidney Katz, Mayor, and  
City Council Members: Stanley Alster, Geri Edens, Blanche Keller,  
Henry Marraffa, John Schlichting

JAN - 4 2005

Dear Mayor Katz and City Council Members:

We are writing to let you know we are not opposed to annexation of the two (2) Crown Point parcels but not at the expense of having them developed into 80 townhouses. Single-family detached housing is our preferred option. We and my fellow neighbors are exceptionally concerned about the efforts being put forth to **squeeze 80 MORE townhouses** onto two small pieces of land bordering our community.

At the December 1, 2004, Planning Commission meeting the developer's attorney was asked by a neighbor to build single-family homes on the two (2) pieces of land since so few have ever been built in our area and single-family homes would bring less population and less stress on the existing infrastructure. To this the attorney promptly replied ***"this land lends itself to more townhouses because the land is already surrounded by townhouses"***. In my opinion that is exactly why we the residents of this area of Gaithersburg **DO NOT WANT ANY MORE TOWNHOUSES BUILT HERE**. The ratio of single-family homes to townhouses right now is way, way, way out of proportion.

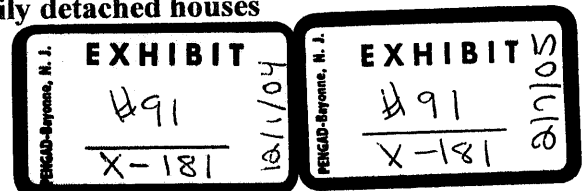
*"Refrain from the approval of the development of residential communities composed solely of townhouse units or multi-family units unless the public interest otherwise dictates."* (From City of Gaithersburg Housing Policy, August 1999)

**- The neighborhood surrounding the two Crown Point parcels is comprised of only 4.47% (90) single-family detached homes and 78.84% (1587) townhouses, PLUS 8.35% (168) condominium apartments and 8.35% (168) low income rental apartments. These numbers clearly show the imbalance of housing types in this neighborhood.**

*Current number of housing units by development per Ms. Trudy Schwarz, City of Gaithersburg Community Planning Director:*

**East of Muddy Branch Road**

- Washingtonian Village (Crestfield): **90** single-family detached houses
- The Townes of Warther: **335** townhouses
- Greens of Warther: **159** townhouses
- Washingtonian Towns: **212** townhouses
- Shady Grove Village I: **177** townhouses
- Shady Grove Village II, Part 2: **122** townhouses
- Shady Grove Village II, Part 3: **108** townhouses
- Shady Grove Village III: **80** townhouses
- Lakewood Commons: **168** rental apartments



**West of Muddy Branch**

- Amberfield: 394 townhouses
- Timberbrook: 168 apartment condominiums

***Townhouses are inner city dwellings*** – more people, more cars, more children and more of these will only add additional stress to our local services (roads, parking and shopping at Muddy Branch Shopping Center). It is inconceivable to even think for two (2) seconds about building townhouses on that land. Only someone who doesn't reside here would give it a thought since they are so far removed from the problems sure to result.

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The **only ingress and egress** the residents in Washingtonian Village have is via Crown Farm Road. The **developers' new building plan** shows three (3) new streets opening onto Crown Farm Road and will be the **only ingress and egress for all of the new occupants of the proposed new townhouses**. We who already live here will be trapped in our subdivision with a huge **daily bottleneck**, not to mention the congestion this new influx of additional cars will create at the Diamondback-Sam Eig intersection.

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**We strongly request that our Gaithersburg Mayor and City Council members take into consideration the points we are making in this letter and vote against building any townhouses or commercial buildings on these two (2) properties.**

Sincerely,

  
W. Kent Howard, 7 Gibson Place, Gaithersburg

# Carolyn Connors-Howard

7 Gibson Place

Gaithersburg, Maryland 20878

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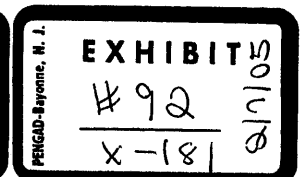
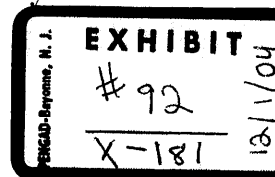
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January 4, 2005

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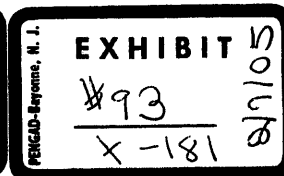
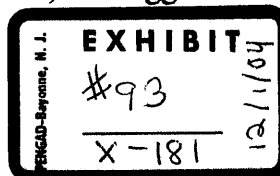
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*Linda A. McCoy*  
*Michael A. McCoy*

*5 Gibson Place, Gaithersburg*

6 GIBSON COURT  
GAITHERSBURG, MD 20878

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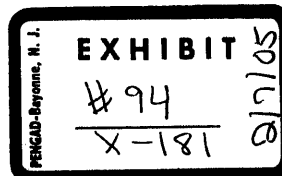
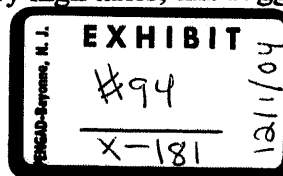
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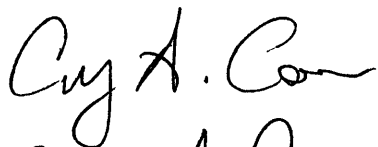
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Craig A. Cornea

6 Gibson Court

Gaithersburg MD 20878



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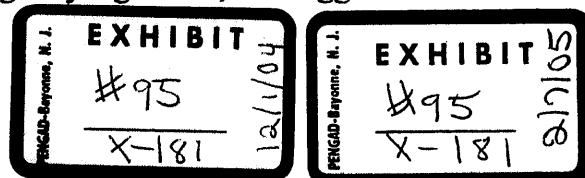
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Raquel Correa

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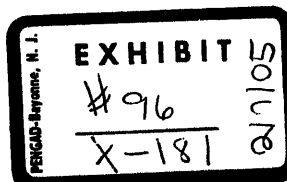
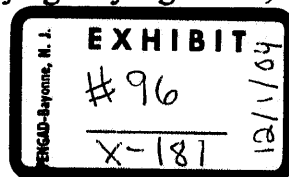
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Sincerely, Zita Correa  
Zita A. Correa  
6 Gibson Court  
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301 921-9588

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13 GIBSON PLACE  
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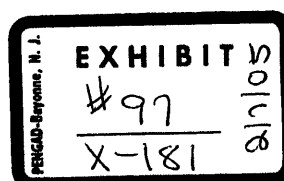
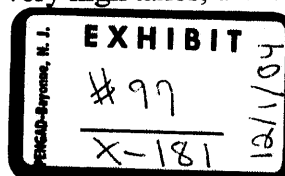
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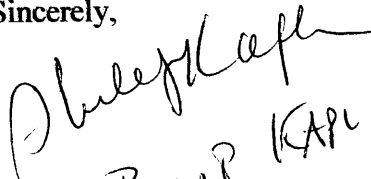
-Fields Road Elementary School was built in 1973 and has a capacity of 408 students. Currently, there are 8 relocatable classrooms (trailers) and a student population of 505 students. (From <http://www.mcps.k12.md.us/departments/regulatoryaccountability/blance/fy2004/schools/02566.pdf>) ***This means that this school is 213.8% over capacity now.***

The **only ingress and egress** the residents in Washingtonian Woods have is via Crown Farm Road. The **developers' new building plan** shows three (3) new streets opening onto Crown Farm Road and will be the **only ingress and egress for all of the new occupants of the proposed new townhouses**. We who already live here will be trapped in our subdivision with a huge **daily** bottleneck, not to mention the congestion this new influx of additional cars will create at the Diamondback-Sam Eig intersection.

Here we are living virtually right next to 270 and it is now taking 12-14 minutes in the morning to drive to 270 from our home in Washingtonian Woods. **Can you even imagine having three new streets with approximately 160 more cars (minimum of 2 cars per townhouse) jostling to get out onto Crown Farm Road - our one road for ingress and egress. This idea is highly unacceptable - a traffic nightmare waiting to happen.**

**We strongly request that our Gaithersburg Planning Commission members take into consideration the points we are making in this letter and vote against building any townhouses or commercial buildings on these two (2) properties.**

Sincerely,

  
PAUL KAPLAN  
13 GIBSON PL  
GAITHERSBURG  
20878

January 4, 2005

Sidney Katz, Mayor, and  
City Council Members: Stanley Alster, Geri Edens, Blanche Keller,  
Henry Marraffa, John Schlichting

JAN - 4 2005

Dear Mayor Katz and City Council Members:

We are writing to let you know we are not opposed to annexation of the two (2) Crown Point parcels but not at the expense of having them developed into 80 townhouses. Single-family detached housing is our preferred option. We and my fellow neighbors are exceptionally concerned about the efforts being put forth to **squeeze 80 MORE townhouses** onto two small pieces of land bordering our community.

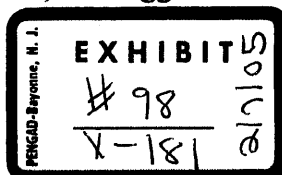
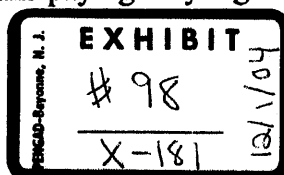
At the December 1, 2004, Planning Commission meeting the developer's attorney was asked by a neighbor to build single-family homes on the two (2) pieces of land since so few have ever been built in our area and single-family homes would bring less population and less stress on the existing infrastructure. To this the attorney promptly replied ***"this land lends itself to more townhouses because the land is already surrounded by townhouses"***. In my opinion that is exactly why we the residents of this area of Gaithersburg DO NOT WANT ANY MORE TOWNHOUSES BUILT HERE. The ratio of single-family homes to townhouses right now is way, way, way out of proportion.

*"Refrain from the approval of the development of residential communities composed solely of townhouse units or multi-family units unless the public interest otherwise dictates."* (From City of Gaithersburg Housing Policy, August 1999)

***Townhouses are inner city dwellings*** – more people, more cars, more children and more of these will only add additional stress to our local services (roads, parking and shopping at Muddy Branch Shopping Center). It is inconceivable to even think for two (2) seconds about building townhouses on that land. Only someone who doesn't reside here would give it a thought since they are so far removed from the problems sure to result.

*- Gaithersburg Planning Commission and Mayor & Council adopted low density residential for both parcels.* (From City of Gaithersburg Neighborhood Three Land Use Plan, July 1997, page 28)

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Page 2  
January 4<sup>th</sup>, 2005

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**We strongly request that our Gaithersburg Planning Commission members take into consideration the points we are making in this letter and vote against building any townhouses or commercial buildings on these two (2) properties.**

Sincerely,



Robin Cherus

11 Gibson Place

Gaithersburg, Md 20878



January 4, 2005

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Henry Marraffa, John Schlichting

JAN - 4 2005

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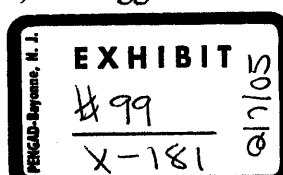
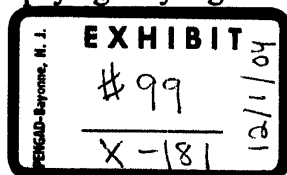
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January 4<sup>th</sup>, 2005

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**We strongly request that our Gaithersburg Planning Commission members take into consideration the points we are making in this letter and vote against building any townhouses or commercial buildings on these two (2) properties.**

Sincerely,

1 GIBSON PL

M. A TAHRIRI

1.3.05

1 GIBSON Place

F. Wong

1.3.05

JAN - 5 2005

Leon Gerskovic

13 Red Kiln Ct.

Gaithersburg, MD 20878

Dear Mayor Sidney Katz,

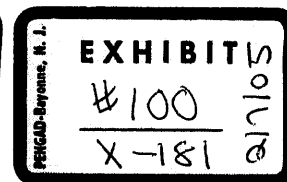
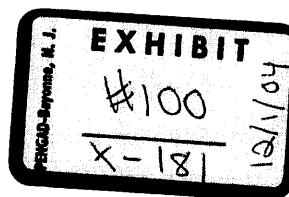
I am writing you with great concern regarding Crown Property Annexation and Zoning. Since we have moved to this neighborhood 3 years ago, my family and I felt very proud of living here. In the last few months my friends and neighbors are becoming increasingly concerned regarding slow decay of our community due to imbalance of housing types.

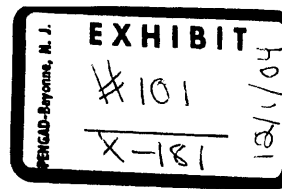
I am for balanced housing and our neighborhood should be a welcoming place for the people of different backgrounds and means. However, building more townhouses, currently 78% of all housing parcels, we are looking to expand already saturated schools and create greater traffic congestion. I had two of my good friends and neighbors move out from Shady Grove village due to overcrowding at the Fields Road Elementary School. It is sad that we cannot think about living in the same community for a longer period of time!

Since there is lowest number of detached houses in this area, I am strongly in favor of single family housing development. I am urging you and the City Consul to think creatively to make this area of Gaithersburg more inviting. Having good schools, less traffic jams, pedestrian friendly neighborhood and diverse housing is a winning ticket for citizen's happiness.

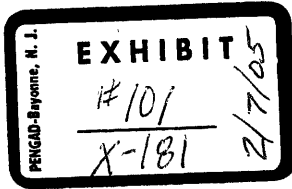
Sincerely,

Leon Gerskovic



III. PUBLIC HEARING

X-181 --



Lorraine Crown, Charles O. Crown, and Catherine V. Stinson; North Gaithersburg Investment, LLC. (Contract Purchaser) Application to annex 13.18 acres of land, known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The application requests a reclassification of the subject property from the current R-200 (Low-Density Residential) Zone with a TDR-5 (Transfer of Development Rights) in the County, to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg, Maryland.

Community Planning Director Schwarz introduced this application and reported that this hearing was advertised in the November 17, 2004, issue of the *Gaithersburg Gazette*, the property was posted, and adjoining property owners were notified by mail. She stated that there are 34 exhibits in the record file, available for public review at City Hall. She located the property on the map and reviewed the annexation process.

*Attorney for the applicant, Barbara Sears, Linowes and Blocher*, stated that her firm represents the contract purchaser and the petitioners. She presented an aerial photograph of the area and briefly discussed the physical characteristics of the property, the corporate boundaries, the area road system, and the parcel's present zoning designation in the County as compared to the proposed zoning reclassification in the City. Regarding the latter, she pointed out that the current County zoning of the property has a TDR-5, but it's not an overlay as stated on the Commission's meeting agenda. She noted that the proposed zoning reclassification would allow a density of six units/acre.

Ms. Sears presented a proposed concept development plan for 80 townhouses, which accompanied the annexation petition, noting the plan has been revised to incorporate staff's initial comments. She stated that providing an identity to the area, housing, and good transportation, as well as implementing planned uses for this area, are the benefits of this proposal. Ms. Sears reported that in addition to the concept plan, a natural resources inventory, forest stand delineation, and a noise study were submitted to the City. Regarding the latter, she indicated that most rear yards would be below the maximum allowed 62 decibels. Community Planning Director Schwarz pointed out that the plan displayed this evening is different from that included in the Commission's package, adding that staff has not yet reviewed the noise study or the revised concept plan.

*Engineer for the applicants, Patricia Monday, Patton Harris Rust & Associates*, reviewed the changes of the revised concept plan, which included cul-de-sacs instead of dead-ends, added entrances, on-street parking for visitors, and hedge rows; as well as stormwater management changes on each side of the development, landscaping and afforestation planting. She added that two recreational facilities will be incorporated in the form of a tot lot and a youth lot. Ms. Monday briefly answered questions of Commissioner Levy on reforestation and of Acting Chair Bauer regarding site topography and schools by noting that much fill would be needed and schools would be in the Quince Orchard cluster. Acting Chair Bauer noted that the Commission needs additional information on these issues to be able to make a recommendation to the Mayor and Council.

Additionally, Commissioner Levy inquired about the density that would be allowed if the project were to be developed in the County. Ms. Sears indicated that 80 all-townhouse units would be allowed, subject to the granting of a waiver of a 30-percent requirement of single-family detached units, which, she felt, would not be a problem obtaining due to environmental and highway restrictions on the property. Commissioner Levy asked staff to investigate if there is any language in the City's previous Master Plan relative to housing type for Neighborhood

Three, acknowledging that the same area is to be the subject of a Special Study Area of the Master Plan amendment that is in progress.

The following was opposing testimony from the public:

*Kevin Lange, 51 Appleseed Lane*, voiced serious concerns over current unsafe traffic conditions in the Sam Eig Highway/Fields Road area and requested the traffic situation be carefully studied before considering additional development in the area.

*Carol Martin, 23 Norwich Court*, identified herself as having served in the former Neighborhood Three Ad Hoc Committee for the previous master plan amendment. She objected to the proposed development type because the area is already too densely populated, it has a proliferation of townhouses, except for 90 detached units, and the existing traffic situation is unacceptably congested and dangerous. She submitted Appendix A (X-181 Exhibit 35) of the County's 1990 Gaithersburg Vicinity Shady Grove Study Area Master Plan, noting it proposes an interchange at Sam Eig Highway and Diamondback Drive, and questioned the advisability of building so many townhouses in such proximity. She also objected because the proposed project would seriously impact on Fields Road Elementary School, as it is already overcrowded, and on the quality of life with a resulting increase in crime and congestion.

*Ronni Harvith, 6 Blue Silo Court*, identified herself as a teacher at Fields Road Elementary and a member of the former Neighborhood Three Ad Hoc Committee. She stated that the official County school standards and projections do not reflect the reality of the schools, and, citing several instances that exemplified her assertion, noted that presently Fields Road Elementary School students are sitting at desks in hallways due to overcrowding. She voiced concern with the location of a youth recreational facility next to a tot lot on the proposed concept plan and echoed the concern that the subject project would be deleterious to the quality of life of area residents.

*Anthony Delagarde, 14 Hibiscus Court; Kent Howard, 7 Gibson Place; Steve Goley, 4 Norwich Court; Dennis Rodriguez, 2 Gibson Court; Molly Broadbent, 17 Norwich Court; and David Hughson, 176 Sharpstead Lane*, shared all the concerns of the previous speakers and added that the proposed development would exacerbate the existing untenable traffic congestion in the area, unsafe bus stops, and insufficient parking. Additionally, Messrs. Delagarde, Goley and Hughson voiced concerns with the small size of the property and its grade differentials in terms of the effect that an all-townhouse development would have on water drainage/runoff, architectural impact, and property values.

Mr. Goley stated that an all-townhouse development here is inappropriate, adding that a mix of attached/detached single-family housing would be better. He pointed out, however, that much information is needed regarding the effects on the environment, adequate public facilities and recreational amenities.

*Nancy Ostrove, 5 Norwich Court; Robin Cheris, 11 Gibson Place; and Vilas Wright, 1 Tripoley Court*, spoke on the consequences of overcrowding in terms of destroying the sense of community, increasing existing school inadequacies and security/crime considerations. She considered this proposal inappropriate for this property and asked the members of the audience that oppose the project to raise their hands and about 50 people did.

*Betsy Newman, 409 Watch Hill Lane*, agreed with all the previous statements, adding that the subject property presently acts well as a natural buffer for the existing community. She voiced a concern with its development and how it relates to the ICC (Inter-County Connector) Plan, noting that the impact would be severe and long lasting for the area. She pointed out that it would require high noise walls due to its location abutting highways. She asked that the

property's present positive attributes be seriously considered before proceeding with development.

*Mark Hackman, 64 Appleseed Lane*, submitted his written testimony (Exhibit 34), noting it is in agreement with all of the above concerns. He noted that another traffic study for the area is needed, as the 1991-built Diamond Interchange at Washingtonian Boulevard was not constructed as designed, posing safety problems for motorists exiting from/merging onto Sam Eig Highway near its intersection with Diamondback Drive. Reiterating previous comments on traffic backups on the area roadways, he indicated that the infrastructure to support any additional growth is inadequate.

*John Hyslop, 5 Story Drive*, opposed any type of additional development in the area noting that in addition there are traffic difficulties accessing I-270.

Ms. Sears responded to the citizens' complaints by pointing out the property owners' right to develop their property and noted that according to the Board of Education, the project would only generate 23 elementary school students, eight at the middle school level and nine high school students. She pointed out that many of the concerns voiced tonight are not pertinent to the annexation process, but would be addressed at the site plan level.

Commissioner Hicks asked if the applicants had considered single-family detached housing and Ms. Sears answered that due to the property's constraints and surrounding development, townhouses are the most appropriate housing type. Commissioner Levy asked the applicant to submit an analysis of the basis for determining that single-family detached housing is inappropriate on the subject property.

*Dan Dailey, 11 Watch Hill Place*, was in favor of annexing the property into the City, voicing his preference for having it developed in the City rather than in the County, as it would be planned better.

*George Thompson, 3 Story Drive*, stated that it seemed as if the developer is shopping for the jurisdiction that would allow the greatest density, pointing out that in the County, the project would have to be granted a waiver in order to have an all-townhouse development. He suggested that this annexation petition is premature before finding out whether the County would grant such waiver.

Acting Chair Bauer concluded by noting that more information pertaining to the analysis of the project is needed, such as different unit sizes/footprints that would show the basis for proposing only townhouses. He asked for a report on the Master Plan themes and the City's Housing Policy as they pertain to the proposed unit count in terms of development mix and quality of life. He also requested an analysis of afforestation and greenspace calculations required for the requested zoning category. In addition, he pointed out that the traffic study be analyzed with special attention to safety issues as well as the impact of a County proposal for a new interchange at Diamondback Drive and a proposed ICC alignment. He also asked for a County report on school populations.

Acting Chair Bauer pointed out that this is the first step of the process, which follows with the Commission's consideration of the testimony and staff's analysis before making a recommendation to the City Council. Mrs. Schwarz indicated that the Commission's recommendation must include the Commission's analysis of the accompanying site plan from a planning perspective, for which staff prepares an analysis of the application and a recommendation to the Commission. Following discussion of an adequate record-holding period, the Commission moved as follows:

Commissioner Hicks moved, seconded by Commissioner Levy, to hold the Planning Commission's public hearing record on Annexation Petition X-181 open until January 7, 2005, with the receipt of the applicant's submittal by December 10, 2004, and of written testimony from the public no later than 5:00 p.m. on January 5, 2004.

Vote: 3-0

#### IV. FROM THE COMMISSION

##### Commissioner Levy

1. Congratulated former Planning Commission Chair Keller on her appointment to the vacancy on the City Council.
2. Thanked staff for providing a status report on plans approved by the Commission during the past year and requested that a brief explanation of those proposals be included in such future reports.

##### Commissioner Hicks

Echoed Commissioner Levy's comment about Blanche Keller's appointment, noting she will be an asset to the City Council.

##### Acting Chair Bauer

1. Shared the above comments about Ms. Keller.
2. Requested a motion to conduct an executive session on January 5, 2005, immediately following the Commission's regular meeting to discuss a legal matter, pursuant to §10-508 of the Annotated Code of Maryland, State Government Article.

Commissioner Hicks moved, seconded by Commissioner Levy, to conduct an executive session to discuss a legal matter on January 5, 2005, in accordance with §10-508 of the Annotated Code of Maryland, State Government Article.

Vote: 3-0

#### VI. FROM STAFF

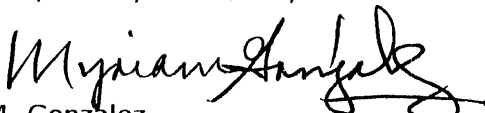
##### Community Planning Director Schwarz

Reminded the Commission of three joint public hearings scheduled for December 6.

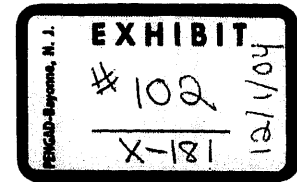
#### VII. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 9:45 p.m.

Respectfully submitted,



M. Gonzalez  
Recording Secretary



January 6, 2005

Ms. Karey Major, Law Section  
The Gaithersburg Gazette  
P.O. Caller 6006  
Gaithersburg, Maryland 20884

Dear Ms. Major:

Please publish the following legal advertisement in the **January 12 and 19, 2005**, issues of the *Gaithersburg Gazette*.

Sincerely,

Trudy W. Schwarz, Community Planning Director  
Planning and Code Administration

ASSIGN CODE: X-181 Acct #133649

### NOTICE OF PUBLIC HEARING

The Mayor and City Council of the City of Gaithersburg will conduct a public hearing on Annexation Petition X-181, filed by Lorraine Crown, Charles O. Crown, and Catherine V. Stinson, on

**MONDAY  
FEBRUARY 7, 2005  
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests annexation of 16.2903 acres of land (3.1033 acres of which are road right-of-way), known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The application requests a reclassification of the subject property from the current R-200 (Low-Density Residential) Zone with a TDR-5 (Transfer of Development Rights) in the County, to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg, Maryland. The contract purchaser is North Gaithersburg Investment, LLC. This is a re-advertisement for an amended description of the total area to be annexed.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Trudy W. Schwarz, Community Planning Director  
Planning and Code Administration  
TWS/pap

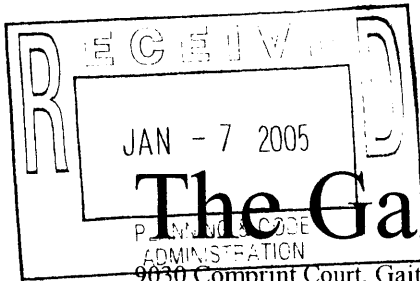
City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaitersburgmd.gov

MAYOR  
Sudney A. Katz

COUNCIL MEMBERS  
Stanley E. Alster  
Ceraldine E. Edens  
Blanche H. Keller  
Henry F. Marotta, Jr.  
John B. Schlichting

CITY MANAGER  
David B. Hampton





# The Gazette News

PLANNING & CODE  
ADMINISTRATION

9030 Comprint Court, Gaithersburg, Maryland 20877

## CERTIFICATION

THIS IS TO CERTIFY THAT THE ANNEXED LEGAL NOTICE  
IN THE GAZETTE NEWSPAPERS FOR THE NUMBER

## The City of Gaithersburg – Public Hearing

Gaithersburg Publishing Company

*Karey A. Major*  
Copy of Ad attached



KAREY A. MAJOR  
Notary Public, State of Maryland  
Prince George's County  
My Commission Expires March 31, 2007

Ad Order Number: 10214759

Dates: St: 12/15/04 End: 1/5/05 Ins: 4

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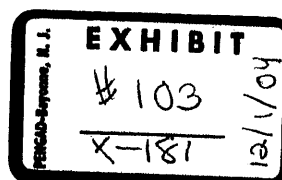
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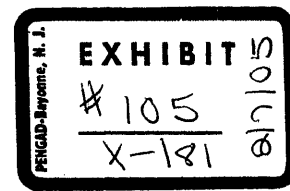
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Trudy W. Schwarz, Community Planning Director  
Planning and Code Administration

10214759  
1384855

(12-15, 12-22, 12-29-04, 1-5-05)





CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland 20877  
Telephone: 301-258-6330

### NOTICE OF PUBLIC HEARING

The City of Gaithersburg Mayor and City Council will conduct a public hearing at the time and place noted below.

Meeting: **MAYOR AND CITY COUNCIL**  
Application Type: **ANNEXATION**  
File Number: **X-181**  
Location: **SAM EIG HIGHWAY & DIAMONDBACK DRIVE**  
Applicant: **LORRAINE CROWN, CHARLES O. CROWN, AND  
CATHERINE V. STINSON**  
Development: **TOWNHOUSES**  
Day/ Date/Time: **MONDAY, FEBRUARY 7, 2005, 7:30 P.M.**  
Place: **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL  
31 SOUTH SUMMIT AVENUE**

#### \*\*\*IMPORTANT\*\*\*

This is a proposal to annex 16.2903 acres of land, known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The application requests a reclassification of the subject property from the current R-200 (Low-Density Residential) Zone with a TDR-5 (Transfer of Development Rights) in the County to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg, Maryland. The contract purchaser is North Gaithersburg Investment, LLC. This is an amended description of the total area to be annexed. This is a public hearing in a series of public opportunities to participate. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Mayor and City Council meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.gaithersburgmd.gov>.

CITY OF GAITHERSBURG

By: Patricia A. Patula  
PATRICIA PATULA, Planner  
Planning and Code Administration

**SEE LOCATION MAP ON REVERSE SIDE**

**NOTICES SENT THIS 10<sup>TH</sup> DAY OF JANUARY, 2005, TO:**

**APPLICANT AND INTERESTED PARTIES**

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

**MAYOR AND COUNCIL**

**PLANNING COMMISSION**

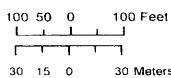
**CITY STAFF**

David B. Humpton, City Manager  
Frederick J. Felton, Assistant City Manager  
Tony Tomasello, Assistant City Manager  
Cathy Borten, City Attorney  
Mary Beth Smith, Public Information Director  
Doris Stokes, Administrative Assistant  
Jeff Baldwin, City Web Administrator (via email)

**Annexation X-181  
Crown Farm Point  
Location Map**

X:\181 Location Map.mxd • 10-Jan-2005 • jbc

1 inch equals 250 feet

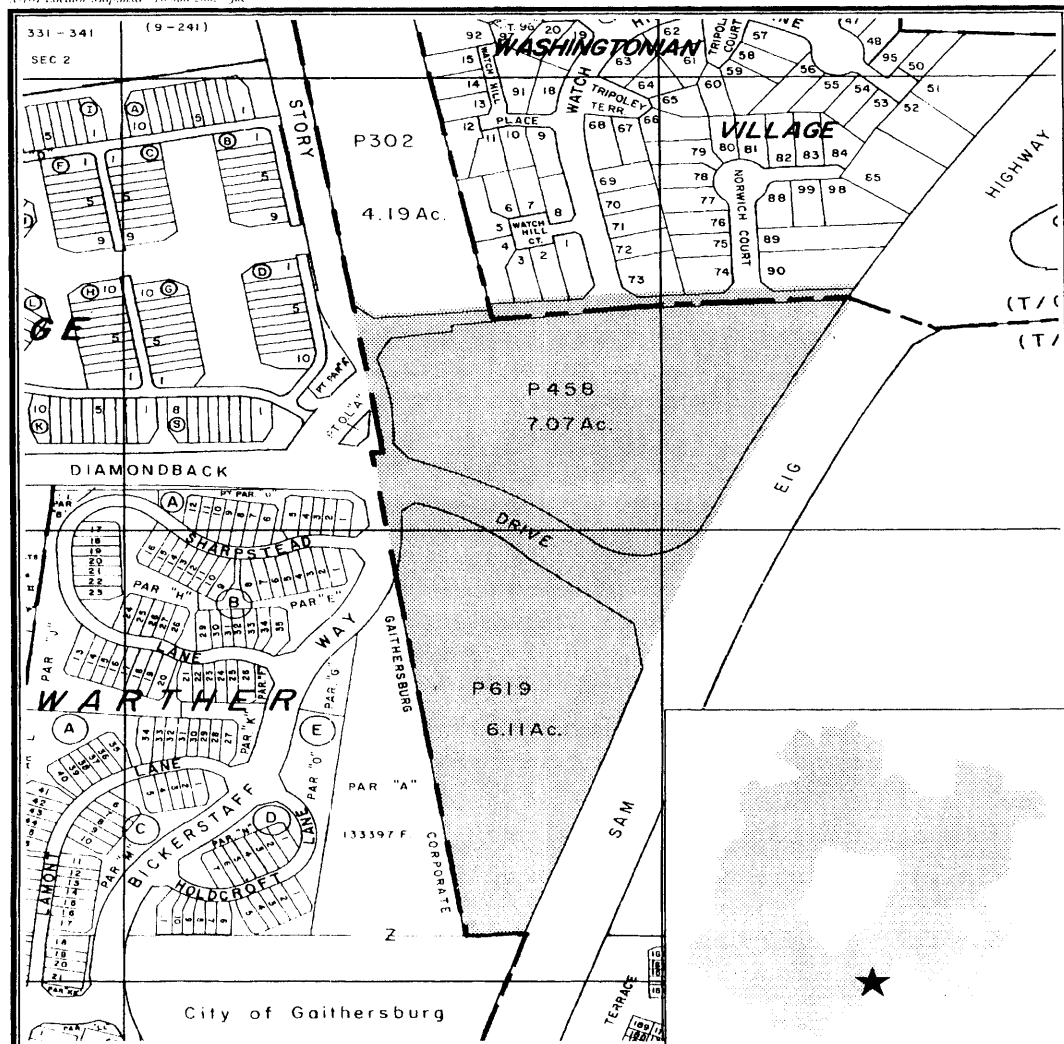


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**Abaris Realty, Inc.**

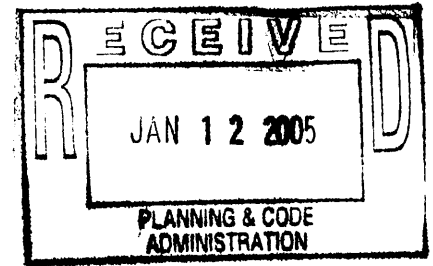
12009 Nebel Street, Rockville, MD 20852

301-468-8919 • Fax: 301-468-0983

Web Site: [www.abarisrealty.com](http://www.abarisrealty.com)



January 7, 2005



Gaithersburg Planning Commission  
31 South Summit Ave.  
Gaithersburg, MD 20877

Re: Proposed Annexation and re-zoning of Crown Property on Diamondback Drive

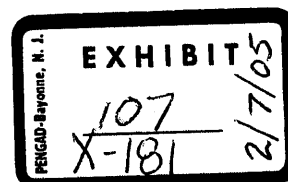
To whom it may concern:

I am writing on behalf of the Washingtonian Towns Home Owners Association, Inc. ("Washingtonian Towns") which consists of 212 townhomes located near the intersection of Muddy Branch Road and Great Seneca Highway. Washingtonian Towns does not oppose the annexation by the City of Gaithersburg of the Crown Farm parcels located on the corner of Diamondback Drive and Sam Eig Highway. Nor does Washingtonian Towns oppose the development of the property for detached single family homes under the current low density zoning.

However, Washingtonian Towns strongly opposes the contract purchaser's proposed re-zoning of the property and the proposed construction of 80+ townhomes and for reasons states as follows:

1) Increased Traffic. Diamond Back Drive is highly congested during much of the day, not just at rush hour. The addition of 80 townhomes would likely result in nearly 200 additional vehicles traversing the intersection of Story Drive and Diamond Back. This is going to result in more traffic delays for Washingtonian Towns residents who rely upon Diamondback for access to I-370, I-270 and the Rio-Washingtonian retail complex.


2) Existing Overcapacity in Schools. Fields Road Elementary, Ridgeview Middle School and Quince Orchard High School are all currently at or over their maximum intended capacity. The development of the property with such a high density will only exacerbate this condition.



3) Impediment to future roadway expansion. If and when the Intercounty Connector is completed, the need for access to Sam Eig Highway will likely increase. To the extent that grade separation or other expansion of the intersection is needed to address the expected increase in usage, ample room needs to be set aside, by easement or otherwise, to allow for such future expansion. As proposed, the 80 townhomes would appear to impede any potential expansion of the roadway.

Thank you for taking the position of Washingtonian Towns HOA into consideration in this very important matter.

Sincerely,



Shireen Ambush, PCAM  
Property Manager

CC: Washingtonian Towns HOA Board of Directors

Gaithersburg Mayor & City Council  
31 South Summit Avenue  
Gaithersburg, MD 20877

MNCPPC  
Derick Berlage, Chairman  
8787 Georgia Avenue  
Silver Spring, MD 20910

Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20849

TRANSCRIPT OF

PUBLIC HEARING

ON

**X-181**

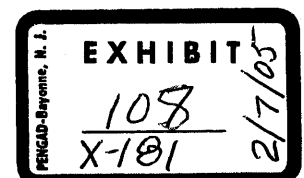
Lorraine Crown, Charles O. Crown, and Catherine V. Stinson  
North Gaithersburg Investment, LLC. (Contract Purchaser)  
Application to Annex 13.18 Acres of Land, Known as Crown Farm  
Point, Located at the Northwest and Southwest Quadrant of the  
Intersection of Sam Eig Highway and Diamondback Drive.  
The Application Requests a Reclassification of the Subject  
Property From the Current R-200 (Low Density Residential)  
Zone With a TDR-5 Overlay (Transfer of Development Rights)  
in the County, to the RP-T (Medium Density Residential) Zone  
in the City of Gaithersburg, Maryland

BEFORE THE

CITY OF GAITHERSBURG

PLANNING COMMISSION

Transcribed by  
Doris R. Stokes  
December 2004



PARTICIPANTS

PLANNING COMMISSION

Acting Chair Bauer  
Commissioner Hicks  
Commissioner Levy

Commissioner Winborne (Absent)

CITY ATTORNEY

Cathy G. Borten

STAFF

Community Planning Director Schwarz  
Planning and Code Administration Director Ossont

SPEAKERS FROM THE PUBLIC

Barbara Sears, Linowes and Blocher  
Patricia Monday, Patton Harris Rust & Associates  
Kevin Lange 59 Appleseed Lane  
Carol Martin, 23 Norwich Court  
Ronni Harvith, 6 Blue Silo Court  
Anthony Delagarde, 14 Hibiscus Court  
Kent Howard, 7 Gibson Place  
Stephen Goley, 4 Norwich Court  
Betsy Newman, 409 Watch Hill Lane  
Nancy Ostrov, 5 Norwich Court  
Dennis Rodriguez, 2 Gibson Court  
Robin Cheris 11 Gibson Place  
Molly Broadbent, 17 Norwich Court  
Mark Hackman, 64 Appleseed Lane  
John Hyslop, 5 Story Drive  
Vilas Wright, 1 Tripoley Court  
David Hughson, 176 Sharpstead Lane  
Don Daly, 11 Watchill Place  
George Thompson, 3 Story Drive

Bauer        The next item is a public hearing on X-181, Lorraine Crown, Charles O. Crown, and Catherine V. Stinson, North Gaithersburg Investment, LLC. (Contract Purchaser), application to annex 13.18 acres of land, known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The application requests a reclassification of the subject property from the Current R-200 (Low Density Residential) Zone with a TDR-5 overlay (Transfer of Development Rights) in the County, to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg, Maryland. Presenting tonight is Trudy Schwarz. Good evening Trudy.

Schwarz      Good evening. This is a public hearing as stated on the annexation petition X-181, the petition of the Crown family and the contract purchaser North Gaithersburg Investment, LLC. The hearing was duly advertised in the November 17, 2004 issue of the *Gaithersburg Gazette*, and the property was properly posted and a notice was mailed to the appropriate parties on November 17, 2004. At the present time, there are thirty-four exhibits in the record file. And they are referenced in an exhibit list in the file. We did receive a number, about six additional exhibits that we have put at the dais for you all, so you should keep that with your package for your review at the next meeting. The individual exhibits may be reviewed during the course of the meeting or in the Planning and Code Administration Office during regular business hours at City Hall. Any objections to the receipt of any exhibit should be noted prior to the closing of the record; otherwise they will be deemed received in evidence. I would like to review the annexation process for both the Commission and the audience since we haven't had an annexation except for City property annexation last year, in a very long time. At the present time, the subject property which is located at the northwest and southwest quadrant of the intersection of Diamondback Drive and Sam Eig Highway, is in the jurisdiction of Montgomery County. Site plan review would be handled by the Maryland National Capital Park and Planning Commission. The



applicants are proposing to bring the property into the City of Gaithersburg's municipal limits where the site plan would be reviewed by the City. The Planning Commission is having their public hearing tonight and they will leave the record open to allow for additional written testimony and submission. Following the closing of the Planning Commission's record, they will make a recommendation to the Mayor and City Council. At the time, before the record closes, there will also be a staff analysis prepared by the Planning staff. The Mayor and City Council will then have another public hearing which includes all the exhibits and all the testimony of this hearing. In addition, Maryland National Park and Planning Commission will also review this application and make their recommendation. Following the closing of the Mayor and City Council record, the Mayor and City Council will decide as to whether they should annexed the property, (inaudible) proper zone for the property and most likely a conceptual site plan and annexation agreement if they proposed to do that. Barbara Sears is here representing the applicants and property owners.

Sears        Good evening. My name is Barbara Sears. I'm with Linowes and Blocher and with me from our office is Joe (inaudible) who has worked this case as well. And we represent the North Gaithersburg Investment LLC. contract purchaser of the 13.18 acres that Trudy has spoken of. And the owners, petitioners are Lorraine Crown, Charles Crown and Catherine Crown. Now the property, and I'll ask Patricia Monday, our engineer from Patton, Harris, Rust & Associates to hold up an aerial which shows the property, the 13+ acres outlined in red. And as you can see, there are really two parcels of the property that are bisected by Diamondback Avenue. And the lower one is about 6.1 acres and the upper one is approximately 7 acres. They are pretty much vegetation free. They are shaped almost like balls and that the slopes go from about 5 percent to 20 percent. There are no wetlands on the site either. There really is nothing on the site that presents difficulties in terms of residential development as is being

proposed. The corporate boundary of the City currently runs immediately of what I would call to the western boundary with the Gaithersburg park. This area abutting the lower parcel is the Gaithersburg Dog Park and then the larger park is below that. And what we see here above the corporate boundaries include, there's a, it runs right here to the western boundary again and then the park here, I think its called Crown Woods is the rectangular piece here. And then the corporate boundary runs from that piece down to what I would call the east to Sam Eig. And then the property has extensive frontage on Sam Eig again and Diamondback Drive. The road system is a very good road network in this area. And the property itself right now is zoned R-200 TDR-5 in Montgomery County. And I do want to say that on the Planning Commission agenda, there is a reference to the TDR-5 as an overlay zone and that is technically an error. The R-200 TDR-5 is a based zone. It is zoned in that fashion. And it isn't an overlay for purposes of going forward with case. If an annex is recommended that this property can total be brought into the City and zoned RP-T. And that would allow them an equivalent density of approximately 6 units per acres, as would be permitted under the R-200 TDR-5. The property is also covered in the county by the Shady Grove Master Plan, which is a 1990 Master Plan of the County which calls for the TDR, the R-200 TDR-5 Zone. So it is similarly consistent with that Master Planning document. I'm sure you are all familiar with the surrounding area. I pointed out the county owned property. There is also the community of Washingtonian Village, Warther, and Shady Grove Village as well. And this was part of a larger Crown Farm, these two parcels which you see here to the east and south. The subject property was cut off when Sam Eig Highway was built. This is the larger Crown Farm of about 175 acres. And the parcels that are the subject of this hearing tonight was originally part of that parcel and they were created in their own entities by virtue of fact that Sam Eig Highway was brought through. Now the properties do lie in what is commonly called the expansion boundaries for the City to extend its corporate limits. And so we feel that it is

consistent with the annexation policy of the City. First of all, Gaithersburg has planned for annexation of this property. It is as I said within the maximum expansion limits of the City. The Gaithersburg Master Plan, it has been included, the Crown in total has been included in the Master Planning process as a special study area, study area four. But there has not yet been completed any particular recommendations for that special study area. But we did take a look and we feel that this annexation would clearly meet the various themes that are set out in the Master Plan. In particular, the identity as improving the appearance of the City boundaries and completing those boundaries in a logical fashion, housing, it would encourage the development of single family homes, including town homes where housing is appropriate to offset the current housing balance. To pursue annexation of appropriate parcels for construction of such homes and it would encourage infill housing and improve as I said the appearance of the existing boundaries of the City. So it fits in well. It's a good transition and buffer from the large highway and compatible with other residential uses. And does implement plan uses in an area that would allow the City to oversee that process as we go forward. We did submit a concept plan with the annexation. We have also submitted what is called the Natural Resources Inventory for (inaudible) delineation. And as I said, the property from an environmental standpoint is well suited to the development proposed. The property is served by existing water and sewer lines. There is no problem in extending them to these parcels. We have also had a noise study conducted to determine that the development in accord with the concept plan would be consistent with the noise standards and it is. That looks at the design (inaudible) 20, 25. And with the construction as proposed all the rear yard levels would be below. The 62 dbls which flows below 60 dbls, ldn. Now I do want Patricia Monday to run through the actual concept plan with you and show you in detail what we have designed and how we have responded. We have worked with the staff now for several weeks and we have amended the plan to respond to staff comments. Patricia if you would, could you please run through the

various points of the plan.

Schwarz Just so the Commission knows, this plan that is on the display board is different from the one that you did receive in your package.

Monday Good evening, my name is Patricia Monday, with Patton, Harris, Rust & Associates. We are the engineers on the project. What I want to go through as Barbara said is to re-orient you. This is a little different from the aerial. This is Sam Eig Highway, running north and south Diamondback Avenue. Adjacent here we have a single family development runs here, townhouses. You have a townhouse development here and this is the City Dog Park. One of the comments that the staff had was that we had originally proposed for all public, for all private roads, sorry, and we were told that those are not accepted. In that we had some dead end roads that we were asked to remove. So what we have done is we have removed all the dead ends that we had and created cul-de-sacs so the trucks could come through and turn around and come back out. And we have made some additional connections on to existing roads. The original layout, we always had kept all our entrances to line up with existing entrances that are across from the site. Another comment that was received was that we didn't provide parking, even though we meet the requirements for parking because there are town homes, two car garages, you get credit for one space within the car for parking and two on the driveway. We didn't account for any visitor parking. So what we've done is we have provided on street parking along this road and this road and just a little bit right here to accommodate visitor parking. What we did work out is we have a reduced pavement section to allow for the parking that runs along these roads so we have a 20 foot pavement. We provided the seven foot grass strip on either side and the four foot sidewalk and then the 24 foot requirement from the back of the apron to the garage for a parking space and provide seven additional feet on the outside of those roads to allow for parallel parking. So we feel this meets adequate visitor

parking that would be necessary. Another comment we had was in regards to stormwater management. We had some underground quality control that was in the public right-of-way and they also would like us to treat each side as separate in terms of stormwater management which we have been able to accomplish. What we have here is above ground (inaudible) proposed above ground quality and quantity. And on this side we have above ground quality and we have a quality control device that will be outside the public right-of-way located in this area. We have met the requirements for green space in terms of; we have to be at 50 percent green. We are at 62.9 percent green. We are looking to provide probably in this area and over here two recreation facilities, tot lots, pre-teen lots. Those will be worked out later in the later stages. And one of the concerns was there is a hedge row. The only, like Barbara said they are basically two open bowls that drain, the existing site drains to this point, comes underneath Diamondback and then cuts across underneath Sam Eig. Basically the only area of wooded area is just a small little hedge over here. We have put some retaining walls here to try and preserve those as much as possible. We are also going to enhance those areas with additional eight forestation planting. And in the area here, ample landscaping all throughout.

Bauer           How many units are represented on that plan there?

Monday        There is 80.

Bauer           And Trudy, staff has seen this plan or not yet?

Schwarz        We received it on late Monday.

Bauer           Of this week?

Schwarz        Yes. We have not yet reviewed it. The development review team has not

looked at it.

Sears With fairness to staff, they have not had an opportunity to look in detail. What we were doing was responding to the comments that we felt that was appropriate to present a response as our most updated level of detail. But as you can see, I think the design is very carefully done to maximize the compatibility with the surrounding area with end units facing the Washingtonian community and we are trying to present a design that is both sensitive to the highways and to the surrounding uses.

Bauer In our package it is the older plan, but there was a fair amount of engineering already done it looks like in the sheets that were submitted. Just so conceptually, what does the grade look like on this plan? Are you about at the same level as the sidewalks, the Sam Eig side, are you slightly lower? Right now there is sought of a bowl shaped property.

Monday Obviously, there is going to be a lot of fill that has to occur on this site. There will be two low areas right in here for stormwater management. But it will sit lower than Sam Eig.

Bauer And this plan is doing that as well.

Monday This one follows pretty close to the plan you have. If you look there was a road that came through here. That has been eliminated, but pretty much the lay out is relatively the same so the grading should be very close to what you see in your packet.

Sears Now in closing, we also took and looked at the schools. The schools that would be attended by future residents of students from this development would be in the Quince Orchard cluster. It would be Quince Orchard High School, Ridgeview Middle School and Fields Road Elementary School. We went to the county annual growth policy and that cluster has been

found be an adequate in all respects for those school levels. So with that, I think we have covered the basis and I know you have a number of people to hear from. If there are any questions, we certainly would be happy to answer them.

Bauer Any questions?

Levy You said you needed a certain amount of fill put in to do this development, what are we talking about? How much would you say (inaudible)?

Monday That is what we have done at this point because we are still at the preliminary stages. We haven't actually done our earth work calculation that could quantify that. We've done the grading that you have, but because it's still kind of preliminary, we haven't sent it out.

Levy Trudy, won't staff need to see that before you can really make any kind of decision on this, the amount of fill?

Schwarz Not necessarily.

Levy They haven't calculated yet.

Schwarz I didn't know whether they were going to do another full engineering set like they did on that or they were going to deal with this conceptual plan.

Bauer And I think that is one of the questions we will have to discuss too, is how much or how little we are using as part of our recommendation for the Council.

Levy And then I'm looking at the earlier drawing, its labeled but, there seem to be a lot of trees on here and now you've revise the plan and you are saying this will be (inaudible). It doesn't look like you are putting the same

amount of reforestation on here as you have on here, on the drawing that we already have.

Monday Well again, this plan since we have just met with staff and just did this conceptual plan at this point, this plan will be very similar to what you have. We just haven't taken this new concept to a level and detailed those plans because of timing. But we still intend to landscape and provide the same that you have again. What has changed here is this road has been eliminated and all of the areas were provided, the forestation have provided landscaping. We intend to do the same that is on that plan to the same level.

Levy Ok. Barbara I need to ask you. You explained what the rights are for this property are in the county if you were to develop it in the county. I'm not sure I following exactly what can you built in the county if you didn't come into the City?

Sears What we can build in the county under current county regulations and laws, would be a theoretical maximum 80 units. And they could all be townhouses. They would grant a waiver of the standard 70 percent towns and 30 percent singles and because of the environmental or other constraints that make townhouses which this is a perfect example, make townhouses as a good selection and the kind of surrounding roadways that this site house in way it is bisected do present a good rationale for use of the townhouse to block noise and to provide a common open space. So, the answer is yes, you can get this form of development at this density under the (inaudible) that the county has zoned it and it would be consistent with the existing a use recommendations of the Shady Grove Master Plan.

Levy You said in theory you could get 80. Is that a definitive, you know you can get 80?



Sears            Nobody knows what they are going to get until they go through the regulatory process. I think all we could, we believe and fairly deal with is what is possible under the existing zone and that this form of development is definitely possible under the existing zone.

Bauer           Really all it's based on right now is unit per acre allowance within the zoning regulations. It still would have to go through the same scrutiny that we're doing.

Levy            But, my understanding is they could only come to the City and get the same zoning that they can get from the county.

Monday        The same zoning?

Levy            They can probably ask the City to do what the county would do.

Monday        The zoning could not be substantially different then the county unless we get consent from the County Council.

Levy            Right. They would need consent from the Council or the City would need consent from the Council?

Monday        The applicant would take it to the county to get that authorization. If they do not get that authorization, we can put it in a zone that would be different for five years. You can annex it, but you have to keep it in the same zone for five years. But that's the zoning question which is separate to some extend. The question that you are asking now which is the actual unit count on what you can get under the zoning for the county right now.

Levy            I'm just trying to ascertain if this stayed in the county, would they get

(inaudible) and then be able to come to us and say alright this is what the county is allowing and we would like you to allow the same thing which my understanding is we would have to allow.

Sears        You really don't have to. I think really the only relevant legal standard is the one that (inaudible) state law which reference the annexation which Mrs. Borten referred to which is that there be a substantially similar use as recommended in the county's current Master Plan as you would be permitted in the zone in which you place it or there has to be the expressed consent of the County Council. Theoretically, with expressed consent, you can zone this anyway you want it.

Bauer        If we can just stay on the application that is at hand which is (inaudible) annexation and not necessarily a time to get in all the hypothetical situations. I think it can go a lot of ways, but I think what we are charged with is looking at the application for an annexation and we need to address that.

Levy         Ok. Will you be providing staff with the numbers that you presented to the school system?

Sears        Yes. And I have the, I will provide, your record will be open for 20 days and I will provide it with a cover letter. And we will also provide a landscape plan that shows how similarly they would be vegetated through the development process.

Levy         Trudy, does the City have a housing theme for this specific area. I know we use to have neighborhoods and Neighborhood Three was considered separate from the other neighborhoods, they were not doing that on the new Master Plan, but that is not (inaudible) this area.

Schwarz      We do have a housing theme for the overall City which promotes single

family dwellings including townhouse units. So we do need to look at that to balance our housing, since we have a large number of apartment complexes within the City limits.

Levy           Ok. Did the City ever create a specific statement about the housing for this area?

Schwarz       Not that I'm aware. I did not look at the previous Master Plan. And this are is proposed special study area that the City has not done. There is nothing currently and there wasn't anything I believe on this property in the previous Master Plan.

Levy           Right. But I meant for the general area. Could you check on that before I next meeting?

Schwarz       I sure will. You mean the Neighborhood Three?

Levy           Right, what was the Neighborhood Three.

Schwarz       Ok.

Bauer          Although right now, we do have an adopted Master Plan, this supersedes the old neighborhood plans?

Schwarz       In some areas it supersedes, but still carries some of the same policies.

Bauer          Ok. Any other questions?

Hicks          I had a couple of things, but I think I will wait to the end and address as we talk about it.

Bauer          Trudy let me ask you real quick, you handed me some sign sheets from

out of the corridor. Would like for me to work from those for testimony tonight?

Schwarz Yes.

Bauer And I will remind the audience to that if you would like and I would read it here formally, members of the audience who are speaking tonight to please print your name and address on the attendance sheet provide on the table outside the chambers and indicate the agenda item which are of interest of to you to ensure that a copy of the minutes and I guess other notices are mailed to you in the future. And I do have some of those now and I guess as Trudy is recommending, I will start with that for public testimony. I'm sorry Ms. Sears, is there anything else.

Sears No.

Bauer Ok. I guess we are moving on in the public hearing.

Schwarz Are you going to confirm the time limit?

Bauer Well let me say this we ordinarily don't apply the time limit to public hearings and you know that the Mayor and Council do regularly use a three minute limit. I'm going to be loose with that if you folks will help us by be concise and not necessarily reiterated previous comments. If you can help consolidate some of the comments, I would like not to limit the three minutes. But if we run too late, I might ask that we need to do that. So I'll do that if that is ok. The first one I have on the sign up sheet is Molly Broadbent. Do you want to testify tonight? I guess you really don't have to.

Schwarz We were told that there was some confusion. If you prefer not to speak just shake your head say move on.

Bauer Kevin Lange? I'll tell you what we will do. I will open it up and if you want to speak feel free to. If you would like to speak go ahead and cue up behind the current speaker so we can move along. When you do come up to the podium, if you would, state your name and address for the record.

Lange My name is Kevin Lange, I live 59 Appleseed Lane. As I said, I wasn't really prepared. But the first thing that I wanted to know if the Commission can take a really good look at the traffic situation that's existing on Sam Eig Highway, Fields Road area. I think it is the really the first thing we need to look at before I guess we begin talking about new house and what not. I mean we have a very unsafe situation out there. As soon as I can get some numbers together, I can probably come and speak to you in more detail. That is one of my major concerns.

Bauer You know the record is open a while, so if you find something that you want to submit in writing feel free too.

Lange Thank you.

Martin Good evening. My name is Carol Martin, 23 Norwich Court. And I have a number of points I would like to make. I'm actually as Lenny mentioned, the Neighborhood Three Ad Hoc Committee from that last neighborhood master plan, I served as a member of that committee and as part of that committee, and staff provided us with statistics that showed that Neighborhood Three was the most highly populated, densely populated neighborhood of the entire City of Gaithersburg. If I remember correctly, I believe it was like 21 people per acre. It was that highly populated. So what we would like to do is have single family detached homes, not townhouses. Our neighborhood is currently surrounded with townhouses. You got Shady Grove Village, several Shady Grove Villages; you got the Towns of Warther all around there. There is only one single family

detached home development consisting of 90 homes. The people who live in the townhouses do not have much of an opportunity to trade up, buy up and still stay in that wonderful neighborhood. And it is a wonderful neighborhood. Traffic right now is pretty bad getting in and out of the neighborhood. Where I live, it takes me from the front of my driveway to get approximately to the side of my house which is adjacent to Sam Eig Highway, six minutes. And that is without an approximately roughly an additional 240 cars. You are talking building townhouses, at least three cars per town home and that doesn't even count visitors. So you are talking about extending commute in and out or extending time that it takes to get in and out of our neighborhood to go anywhere. Even to go out to the Giant to go shopping that is not far away. The county master plan, I have in front of me that I received from the county the approved and adopted July 1990 Shady Grove Area Plan. On that plan, I pulled out and made copies for you, actually I only have five, of the appendix A which shows an intersection analysis. And on the second page of that handout, you will see a diagram showing where the county has in their master plan, the proposal of an interchange at the intersection of Sam Eig Highway and Diamondback.

Schwarz (Referred to the exhibit #).

Martin Ok. If you will notice on that diagram that they are proposing an interchange and they do say (inaudible) substantially change. But a good part of both of these parcels, these roads go through there. So I don't see how allowing space and easements for this proposal how you could anywhere get 80 town homes on these parcels. But I did want to bring this to your attention to make sure everybody is aware that this does exist in the county. Schools, I highly disagree as far as the crowding goes. Fields Road Elementary School, right now, in fact ever since I lived there and it's almost 19 years since I've been living in my house, has had portable classrooms. I believe they have been adding them. The county

school situation of crowding is quite bad. And town homes will bring more children than single family detached homes will bring. So I urge you to take that into consideration as well. And finally, quality of life. We are getting so that we are so crowded that people on top of each other, neighbors are on top of each other, crime is increasing because of the crowding. The wonderful quality of peaceful quality of life that we had when I moved to Gaithersburg and moved to my home has long since been gone. And just adding any additional town homes in that small area, I feel that it has eroded that quality of life even more. Thank you very much.

Bauer            Thank you. Good evening.

Harvith          Ronni Harvith, 6 Blue Silo Court. I lived in that town home for 18 years now. I also was a member of the Master Plan committee from Neighborhood Three that Carol Martin was on. And I am also teacher at Fields Road Elementary School. As a resident of the community, Shady Grove Village, I would like to say town homes are not starter homes. If it was, I would have left a long time ago. I have two children. We are a family of four. We have three cars and in a year from now, I will have four cars. I bargain with my neighbors that are single and don't have children to see if my car can park their car there. As long as possible, as long as I can afford to have my children live in the neighborhood and go to state schools, I will have that issue. And I not the only member in my neighborhood that does. There are many, many people that have raised there children to adult years and continue to live there. And some of them have more than one generation in that house. So these are not just starter homes. And when it was mentioned that on the new parcel, there may be a tot lot and pre teen lot, I have to question that. Because it's not just a pre teen lot, but we are talking about 18 year olds playing basketball next to kids that may be on a swing. As a member of the master plan, I would like to echo that we did discuss and we were very concerned about

the density of our area and we requested that all future properties considered being used for single family detached houses. And hopefully that verbiage is in the Master Plan because we certainly made a strong point of it in discussion. And as a teacher at Fields Road, I know that I sat at meetings with county representatives that discussed how they plan for growth and when they make choices about building schools. And the represent who, I don't know his name at the time, said that they project ten years in the future before they make a decision to build a new school. And even at that time, we felt that that was totally inadequate. The county standards do not reflect realty. At Fields Road Elementary School, we have instructional assistance teaching classes in the hallways. We have children that need these services that are trying to concentrate while other children, classrooms are tracing up and down the halls to go to math, music, to go to art, to go to PE, to go to lunch. We have four lunch periods, four recess periods so that we can schedule everybody when they need to be at different places at different times. And in that hullabaloo, there are children that are trying to learn how to match their colors and learn how to read, sitting at a desk in the hallway with an instructional assistance. It is totally unacceptable, but we have no longer any room for them. Last year, we lost the music room. I'm a music teacher. We had to store drums, xylophones, autoharps, and all sorts of supplies in a fifth grade classroom because there was no place for us. If we have to expand by one more class, we will again have to find a place to store everything that the music department has which is considerable. We also have upgraded the parking lot to our school and we have added more portables. In order to do that, we had to sacrifice part of our field. So that is where our children play. And I would like to echo the quality of life issue and I thank you for your time.

Bauer

Thank you.



Delagarde My name is Anthony Delagarde, 14 Hibiscus Court, Gaithersburg. If I reiterate some issues that have been pointed up already, I apologize, but they are pretty strong and I do feel that these things have to be reiterated once again. The first thing I would like to say about is the quality of life. As it stands right now, that particular neighborhood does have a lot of apartments and there are a lot of people that are in the area. Parking and traffic is becoming a problem. Especially in the mornings when going to I-270 to go over into Washington and Virginia or in the evening. At the intersections, there are two bus stops and more than once, due to traffic flow, there's been near accidents with people that are walking back to school buses in the morning. There are problems there. And it does cause a problem when I am leaving my home to go towards the subway station at Shady Grove. Traffic is starting to get really, really dense. Those things that I would like to reiterate which I would like to concur with the lady who spoke before me. My son plans, I plan to put my son at Fields school next year. Now, if we put 80 town homes in that area, that basically means the ratio of students to teachers is going to increase and basically the quality of life and type of education will drop. Because there is not going to be enough space as it is for more kids to come in there. And also to add to what the lady said before, yes there are generations that have actually been living in my neighborhood, my town home where they have raised children from toddlers through college and have stayed in the area. And as it stands right now, the average total is about three to four cars per household. So it has already flowed onto Story Drive from my particular town home. The other thing to is, topography of where they plan to put these homes. Basically where those homes would go, it is almost a 25 – 30 degree angle in slope. For them to level that off to make it look anywhere right, it's serious undertaken putting dirt or rearranging a terrain right there. And I'm not exactly sure how that is going to affect the water drainage going into my property and other areas right there. And most and last, one thing that I'll just say, the area that they have right there, they plan to put the townhouses, because its not exactly a large

expands area, the architecture of what these town homes would look like, I'm not exactly sure if they would necessary would be very pleasant. Basically, they almost seem like they are putting people in like a sardine situation where you can't build out so you build up and so basically you have almost like a garden style apartment look or some type of structure that would look not, basically, it would take away from the neighborhood as it stands. And as it is right now, like the lady said earlier before, we are heavy in townhouses in the area. We only have one section, that is single family homes and there are apartment complexes toward the bottom of hills where Fields and Story meet. Something like this right here where the congestion and the quality of life would definitely, in terms of people, cars, it's just going to get to crowded. Single family homes would probably be a better way to go, but in terms of urban planning, I think it is a mistake (inaudible) wrong way to go.

Bauer        Thank you.

Howard       My name is Kent Howard, I live at 7 Gibson Place, in the Neighborhood Three. I don't really believe you folks are entertaining this. When I saw the notice come out on this, I thought my Lord, the only thing you've done in favor for us, you put so many townhouses in and I can put a petition together in one hour and get 500 signatures and walk three blocks. This is not an appropriate use. We have gone through this; we have been here a million times. Weren't you here when we were dealing with the big black stores for heaven sakes? (inaudible) Peterson is here, I don't know how you are getting things put back into this county again, and I don't know how you are getting such high density. I'll speak to one issue; I speak just strictly to the traffic. I don't know how Carol gets from her house in Neighborhood Three over to 270 in six minutes. Either she is lying or she jumps across the back wall. That is the only way you can do that. You are going to have 240 more vehicles. All of them, most of them are going on the Crown Farm Road this (inaudible). It can't be right. It can't be

right. I use to be able to get to my driveway on Gibson Place over to 270 when I left at 7 a.m. probably in about 10 minutes. Then I had to leave at 6:30 a.m. and it takes me 15 minutes. I'm now leaving close to the 5:30 – 6 a.m. just to get to that same darn place. We are going to add that many more in here. I had a neighbor, almost lost his life at that intersection in a serious automobile crash. And that is without the 240 more cars that you are going to throw in. I just plead to reconsider this stupid project. It is going to take the quality of life and tank it. I mean it really is going to down grade it badly. And I hope this not become your worse nightmare. I really hope it doesn't, but if it does, we will be there helping you to make sure that nightmare stays in tack.

Bauer            Good evening.

Goley            My name is Stephen Goley, 4 Norwich Court. I would like to reiterate and support what the gentleman before me said. I can't quite say it as strongly, but I would if I could. A couple of points. I'll try to bring something a little bit more original. This is coming about way to fast. We got one notice, we saw the signs up, its holiday season. I've only had a few minutes to prepare a few thoughts. I'm not even sure; it certainly is not everything I would like to say on the subject. But, I think it is going about way to fast. The City of Gaithersburg is known for having good planning, award winning communities in the Kentlands and Lakelands and other areas. They can certainly come up with something, work with the developers on something a little more appropriate. This is not appropriate, all townhouses. We need mixed use. There are things to be said for having a planned development with a mixture of housing types. We need no problems with a few town houses here, but there are, as the gentleman said; there is a disproportioned abundance of townhouses already in Gaithersburg. I think a mixture will serve its purpose. We have a need from among the community. We need some luxury townhouses. I would like to see a mix. That is the point, a mix. Next of all, as for public

facilities, I haven't heard the applicants address adequate public facilities. As you know there many (inaudible) for that. Recreation is one. I'm in the 90 house subdivision, we did not get recreation. I would thank the Crowns. I've been using their field for recreation for 15 years. It's wonderful. I love being up on that hill with the sun shining, wind blowing. People use it for kite flying. I throw ball with my sons in the winter time. I'm telling you, as soon as the first snow falls, everyone in the community is out there with a sled. Maybe we are taking some liberties with it, but if we can bring any of that back or keep any elements of that, that would be very nice for recreation. The other public facilities as you all know, they have been speaking (inaudible). I am sure that the road network can not support this. Try driving down Diamondback at rush hour. It is backed from Muddy Branch to Sam Eig. Of course the other ones, police, fire, schools, environment. Environment, there is nothing imaginative here. WE have a stream directly across the road that runs behind the apartments/condos, but there is an open stream just below. That is going to get eroded. This is not going to afford much protection for that. I hear that, I've heard the applicant's attorney state that, I've had know time to prepare for this, I don't know what the Master Plan says, I don't know what the other county, I probably know a little bit more than the average person because I do deal with this stuff almost on a daily basis. But I think it is just going to fast, we have not had much of a chance to prepare for this, and the community has not. I think it is inappropriate and I will wrap up with that. Thank you very much.

Bauer Trudy, is the City's Master Plan available on line, is that right?

Schwarz Yes it is. The Land Use Portion of it and the Themes.

Bauer They are on line and you are also welcome to stop by the counter at City Hall to get those documents as well. Do you also have copies of the zoning, if a resident wanted to compare?

Schwarz      We have a few copies.

Bauer        Ok.

Newman      Good evening. My name is Betsy Newman, 409 Watch Hill Lane, Neighborhood Three. I just wanted to say that I agree and stand with my neighbors that are here tonight. I believe that what you are dealing with is a historic (inaudible) set, natural buffer and within our community it has worked well as a natural buffer. I believe that we have to also consider what we do with it in the likes of the ICC beginning and ending right there in our community with Sam Eig being crucial to the ICC plan. And if we are going to look at what we are going to do with this buffer, what it is going to become in our future, putting that kind of housing, I foresee some serious problems coming up. You might end up with on the outside a very pretty townhouse corner community, but I think the impact is going to be severe and long lasting. If we are looking at what the ICC is going to do to that corner, you might have the exact community at a later time beside that. They are sick and tired of the noise as we have already had to deal with that. And we got somewhat of a buffer with the wall that was placed in there several years ago. But I'm concern that it is going to require building more walls, bigger walls, higher walls. You're looking to add a six to eight lane highway right now with the bridges, the ramps. So this is a piece of land, a corner that is under considerable impact as it is right now. And it is not to be taken lightly. And it is not to be given to the highest bidder. This is our community. And we stand here tonight to ask the Planning Commission to be responsible with this land. And to consider the current impact that it would have. We are holding onto all of its possible attributes. We have stated them clearly that this land does offer positive attributes right now and that we want it to continue to offer positive attributes. So please consider all the positive attributes. Thank you very much.

Bauer Thank you.

Ostrove My name is Nancy Ostrove. I live at 5 Norwich Court. I've lived there for the past 17 years. We moved in when my daughter was about two weeks old. And I have sledded with Steve's daughter in that area. I've watch Sam Eig go in, I've applauded much of the development I've seen. I appreciate Gaithersburg City very much. We very much appreciate being within the limits of Gaithersburg. But I would ask that, I understand that you don't want to hear repetition of everything that you heard before, although, I think repetition is important. I'm a social scientist. There is a lot of research out there which I can refer you to if you would like e to about the impact of crowding. I think that is one of the major issues that we are faced with here. We talk about the traffic. What we really need to understand is that there will be an effect of crowding. And one of the major effects is going to be that it is going to decrease our sense of community. And you have been hearing people talk about community. And you can see how many people are here from the community. And this is in spite the fact that it's a very transient area. When my son was in Fields Road Elementary School, and he is now 21, we kind of surveys of the school and the population and we look at the transient. There is a lot of turn over and yet you still get this number of people in here. How many people who are not going to speak today, would like to have a concern about the traffic, that were likely sick. How many people are concerned about what this is going to do to our community? So I think that this is important. So I'm not going to go on into a lot about that, but you probably get a sense of how distressed I am and how kind of appalled I am. And looking at adding 80 more town homes to an area that already has town homes, apartments and even single family detached homes are on zero lot lines, so they are right up again each other. We are talking about major crowding. We are talking about the densest area, in the area. And it is frankly not fair, not right and not smart. Thank you.

Rodriguez    Good evening. My name is Dennis Rodriguez; I live at 2 Gibson Court. And I am not going to cover the same ground that everyone else has covered, but I do support the statements that were made earlier. Just wanted to add two things. One is that the parking situation in our current development which is single family home, often times it is (inaudible). We have problems when someone has some event and we will have a real crowding situation and it's difficult to find some place to park in your own neighborhood. And creating this type of housing development, what is going to happen when there is over spill from this. These folks are going to park down in our neighborhood which is going to really exacerbate our problem of finding a place to park when you come home. The issues of school have already been covered. One other issue that is kind of close to my heart too and I guess everybody is aware of the fact that as a nation, we face a problem of obesity in our country. And there is a lack of opportunity to get any sort of physical activity. And that particularly clear in our neighborhood. When you look around at the kids. The kids all play in the courts, the play in the streets. Every time someone come speeding down our hill, my heart goes in my throat because these kids all down the street. It's like, where does the kids go; there is no place for them to play. The only place they can try and place is up in the field and that is far from idea because it's a very rugged type of thing. But I was just throwing that out as one of the problems. I guess we kind of rely on you folks and the professional planners to come up with solutions that make our communities work for us. I don't have the answers, but I can tell you there are some problems in our neighborhood. Things aren't working as well as they should and this doesn't seem to be anything that is going to help our community.

Cheris        My name is Robin Cheris. I live at 11 Gibson Place. Please forgive me; I was not planning on speaking today. But I am mostly here to talk about the schools. I've been a county school teacher for 14 years and

overcrowding is real and overcrowding is serious and it impacts us everyday and it impacts our kids everyday. The cafeteria, this woman spoke, can have four to five sessions in it starting at 10 in the morning and as late as 1 p.m. to fit all the kids in the small cafeteria. Sometimes schools have to make decisions to take the kids with their trays into someone's classroom. So they are not even circulating through the schools because there is just not enough room to house everybody. Fields Road happens to have a very small cafeteria. By the time the last kid on line gets their lunch, it's time to leave and they don't get to finish. The gym, art and music, there is not enough. You can hire more gym teachers, you can have more portables, but there aren't enough time spots in the gym. So gym is now happening in classrooms. Art is happening in classroom and music is happening in classrooms. So instruction is compromised. Portables, you can have a million portables. They are not as good as classrooms; they are not as good as being in the school. They are also not as secure. And in this day and age, we need secured schools. It's not good for kids. I teach small groups in my little tiny space. I'm a resource teacher. I have a table that fits eight kids. I have one group of 13 kids that I bring to my little space. I happen to go around and some on the floor and some are at the board. I have them everywhere. I happen to go around today, who has a space for me at 2:30 in the afternoon so I don't have to squeeze 13 kids. I couldn't find the space. I had to squeeze them into my little space. 100 plus 200 kids coming into Fields Road is 20 percent increase or more into that school. It's just not good for kids. Thank you.

Bauer Is there anyone else? Ok.

Broadbent I'm Molly Broadbent, the one who was suppose to start out speaking. And I just wanted to make a comment.

Bauer Excuse me. We need to get your name for the record and your address.



Broadbent Molly Broadbent, 17 Norwich Court. And I've lived here for five years. But I never found an issue that I thought mattered enough to appear before a meeting. And I just wanted to voice the concerns of the names. I think there are a lot of other people like in our residence who never been to one of these meeting because it didn't matter before. But this is something that really matters urgently to all the people who live in that neighborhood. Another thing that I think someone has (inaudible) I live on Norwich Court so I go down the street everyday, almost once a week I almost get into an accident because that intersection is blind. The people coming up Story drive fast, there is a hill. Those roads are very dense. You can not see if any cars are coming. I leave between 8 a.m. When I leave I also have school buses and children standing on the corner on that intersection. I don't know where they are going to put the cars on Crown Farm with safety. I think it is a safety issue for the children that are going to be standing there. I think it is a safety issue for every single person in the neighborhood on the right of Diamondback. I don't know on the left side because I don't live there. But on our street, you are going to have someone killed if you put that many houses. Safety is not there. Something has to be done. Another thing, right now with no housing on that area. When I go to work, I can't make a left turn often because the traffic is already backed up on Story, there is no place to turn so I will just have to wait until the traffic eases so that can go left so that I can try and go left again. I think there are real traffic issues and safety issues that are going to kill some people in the City of Gaithersburg if this development goes forward the way it is outlined. Thank you.

Hackman Good evening. Mark Hackman, 64 Appleseed Lane and I am president of the Shady Grove Village III Homeowners Association. I had submitted written testimony that I emailed and hopefully it's been received.

Schwarz Yes it has been received. It is number 34 in your packet.

Hackman     So I won't reiterate what is already in my written testimony, but I am going to cover one point that is in my written testimony. And that is, well there are two main points that I am going to make. Not to reiterate, I agree with everything that has been said before. The Diamond Interchange in 2001, I brought to the Mayor and City Council and the Planning Commission's attention that the Diamond Interchange was not built, it was designed. Mr. Humpton challenged me to go to the county; it was stated in public testimony for another piece of property which is the Washingtonian North property which happens to also be represented by Linowes and Blocher. There is 850,000 square feet of office space that is supposed to go in on that piece of property. So you are talking 3,000 cars that could be coming into that area on top of the ICC, on top of this development. That hasn't been discussed yet. It took a yet for the county to answer my letter. Mr. Lange and I went out and we made measurements according to the plan that I picked up from the City of Gaithersburg on the Diamond Interchange to show that it wasn't built as planned. One year later, Mr. Edgar Gonzalez wrote me a letter saying; well he first called me and said the county never approved the Diamond Interchange. He wrote a letter to the City of Gaithersburg stating the new traffic study needs to be done for that area because of the development that has gone in on the south side of Sam Eig Highway and the RIO Center. I don't know if that traffic study has been done yet because I have not received any response back from the City on that and it has to be done. Because the way that the Diamond Interchange is currently structured, you are taking your life into your own hands trying to turn right onto Diamondback Road when you are traveling on Sam Eig Highway going toward Great Seneca Highway. You have people that are using the interchange that are coming out of the RIO Center. They are using that as an ease way coming from 270. Because you can get on it from 270 but you can't get onto it from 370. And they are trying to merge left to get onto Sam Eig Highway while people that are on Sam Eig Highway are trying to merge right to turn right onto Diamondback

Road. So that is a major safety issue that needs to be discussed. Another point that I thought I heard Ms. Sears say earlier today, is that as it is currently zoned, they are allowed to put six single family homes per acres. Where I believe it was advertised by the City whether they can put five homes per acre with the possibility of overlay. So there is some discrepancy there. And then she also made the statement that the roadways in the area are already currently sufficient. Obviously, she has never been to our neighborhood. Because, the traffic backs up. If you get out there during a certain time of the day when the school buses are there and because of the way the state laws are written, cars on both sides of the street must stop. Therefore traffic backs up. I work 5.1 miles from where I currently live. It takes me 20 to 25 minutes to get to work each day. Depending on which path I take. If I go down Sam Eig and get off at Shady Grove Road, it takes me 20 minutes. If I go down Fields Road, around to corporate, because I work off of Gude Drive, it takes me 20 to 25 minutes. This area is already overly dense and it's overly dense with town homes. We need to strike a balance. And what needs to be put into this property is if anything, obviously, the City is encouraged to try and annexed this land into the City of Gaithersburg so that they can get the money from the permits to build the houses, but what you have to do is do what is reasonable and what is right for the community. And you have to show some character here. And that is what the basis of the City of Gaithersburg is, CHARACTER COUNTS! Sometimes those character decisions don't always appeal to developers. And you have to think about the citizens that elect the Mayor and City Council to office that you are representing the citizens of the City of Gaithersburg. When you have the Kentlands which is very densely development, the Lakelands which is very densely development, now you want to do more density. More density is not the answer to the question. The question is do you have proper infrastructure to support any growth. And I think the answer to that question right now is no. Thank you very much.

Bauer Yes sir.

Hyslop Hi, my name is John Hyslop, 5 Story Drive in the town homes. My wife and I purchased the town home around 11 years ago. And one of the considerations in purchasing was the fact that we were going to have lower density housing across from us. So we are in favor of the lower density which currently exists. (inaudible) sea of town homes, its congestion as everybody has spoken about. I am not going to speak about it again. But there is traffic congestion that really hasn't been mentioned such as trying to get on 270 and having a line of cars off of Sam Eig. So there is more to it than what has been spoken. And I'm certainly against the change.

Bauer Is there anyone else? Yes mam.

Wright Vilas Wright, 1 Tripoley Court. Last night I went to take the trash out and for an hour, there was a helicopter searching the entire neighborhood. I went inside and told my daughter, don't open the door, and lock all the windows. Now I have lived in the house for 10 years. It was a very safe neighborhood. It's getting too congested, there are too many people running around, too many houses, RIO is built, and Kentlands is built, too much. I have three kids in all three of those schools, they are all in portables. And does anybody want to go to Giant after work. Forget it. Thank you.

Bauer Thank you. Yes sir.

Hughson Good evening. David Hughson, 176 Sharpstead Lane. It was stated earlier that the noise level in the area was going to be between 60 and 65 dbls. There is a noise abatement wall already and I would wonder why we wouldn't have to build a noise abatement wall around the entire community then. The other thing is, as you brought up, Mr. Levy is that

there will be an incredible amount of fill for this project. And I would worry about settling and also run off during the construction phase. And someone else brought up that there is a stream area just to the south of the proposed construction area and I would also keep that in mind. It was stated earlier that there was only one area on the map there for water run off and that's not actually true. There are three areas and two of them aren't being shown.

Bauer Is there anyone else that would like to speak?

Howard I've already spoke, can I ask just two questions?

Bauer Yes, please just keep it brief. You will have to come to the microphone.

Howard Last Monday, between 4-6 p.m., one road in this town got blocked up. I don't know if anyone was out trying to drive around. But the City was actually grid locked on Monday. Shady Grove had to close down for a while. And my second question is, what do we have to do to stop this proceeding? What is it that you need from us?

Bauer I will take that as a rhetorical question because we need to remain impartial tonight about this. Is there anyone else who want to speak tonight on this? Does the applicant want to answer any questions that were raised here tonight? Ms. Sears.

Sears Thank you very much. I think the questions that were raised, basically centered around the transportation situation which we talked about as we made our major presentation. We also heard questions about whether or not the property should stay as it is in some form of that for buffer. And the question here, I don't really think that is a fair question or accurate question to ask, whether it should stay like it is, whether there should be no development on it. Just like the people who have come here tonight to

exercise their rights to speak their mind about how they feel they should have rights in Gaithersburg. The same property owners have rights under existing laws to develop their property. And currently this property is in a zone which allows a similar form of development. So I don't believe that there is a proper kind of standard of comment to be making with reference to how this property should be treated unless it was in public acquisition and it is not. Secondly, about the schools, there were some questions raised and numbers thrown out I believe about what would be generated. I did speak with the school board as to this area and what would be anticipated from 80 units. The calculations that were made were 23 elementary school students, eight middle school students and nine high school students. And that is the Board of Education. Well I think the other issues about; I really think we addressed all of the other issues. I mean they are centered here on the commentary, around crowding and issues that really I think don't effect the question of annexation and the ability to develop more property in accordance with zoning regulations that allow that development. As we move forward with the process, there will be a preliminary plan, a concept plan and there will be a site plan. There will be other regulatory measures which will assure such as stormwater runoffs are probably control. And they will make sure that stormwater management in all respects is properly controlled. So there are no streams on this site and there is know anticipation that anything done on this site will be done in a manner that wasn't fully permitted and fully in accord with state laws that are very stringent with regard to stormwater management. And with that, I guess I would be open to answer any questions that the individual Commissioners might have or have of Ms. Monday.

Bauer Does anyone have any more questions of the applicant?

Hicks I just have one. Has there been any consideration for single family homes in this location?

- Sears Not in terms of this application. I think Mr. Hicks that looking at the property, looking at the surrounding uses and roadways, single family detached would not be the proper form of development in any respect for this property. That town homes (laughter from the audience). You know I would ask the audience if they would to control their self as we did in allowing them to speak their mind. I think it is only proper that be allowed to answer the questions.
- Hicks I know that we are definitely looking at a conceptual plan. I just was wondering whether or not any consideration has been given to it.
- Sears Our land planner looked at all forms of development and frankly, as I stated the logical form of development and the one best suited for both the property and the constraints that surround it is a townhouse form of development.
- Levy I just want to say that I don't see how you can come to that conclusion and that's it, you can only do town homes.
- Sears Well physically, I'm not saying....
- Levy I guess what I am saying, if you saying that's the outcome, I think a written explanation needs to go into the record. Since you said it was someone else who made the analysis.
- Sears Well, I think if you look at the aerial. What I am saying is not Commissioner Levy, that it is impossible to build single family detached, I'm not saying that. I'm saying that if you look at this major highway of Sam Eig and you look at the surrounding uses which are townhouses and then parkland that transitioning from this impact of the roadways to the

townhouses is certainly a solid form of development and most suited for the way the site is bisected and surrounded by roadways.

Levy I don't want to sound factious but why are you ignoring the single family development that enjoins that property.

Sears I'm not ignoring that. Single family development and townhouse development is still single family development and more than one as perhaps as the speaker said, that single family, the townhouses are homes. And they are considered in the category of single family homes. They are very compatible with the small individual lots. I would say that the densities are probably quite similar. And then we have townhouses all around.

Levy Again, I'm not trying to sound factious, but you just said well this is compatible with the neighboring townhouses. I said why are you ignoring the single family homes. Meaning single family detached and now you are liking those to townhouses when they are single family detached.

Sears I'm not trying to ignore the single family detached, I am saying that townhouses adjacent to these single family detached is a compatible relationship. And it is made more compatible for the properties by the other influences that surround those properties.

Levy Well you and I can debate this, but I don't think that makes good use of the time that we are spending.

Bauer And I think to sort of put this process in the framework and think it is an excellent question. I know that we need to finish our discussion tonight without a discussion per say. We are suppose to allow this to be the public hearing and at a future meeting, future date, develop our own discussion around this and make sure we have all the evidence we need.



I think one of the issues in play is there are a lot of questions about analysis. The number of units, how big the units that were used for a plan this size. From the plan I saw, I'm not really clear on the geometry that was use to establish the footprint for the townhouses and I really don't know how big those are and how those equate to a type of townhouse. Because I think there is an opportunity to see those being different sizes and therefore different caliber of home. (inaudible) may be better or worse with the adjacent neighbors depending on that and I haven't heard much discussion about that. So I guess, I think you raise a good point, but I think that might be something we could give direction to staff to work on.

Sears        I mean, we would be happy to respond to any question and we would be happy to elaborate on what the land planning consideration were.

Bauer        Do you feel that you have responded to the questions as you wanted to from the public hearing?

Sears        Yes.

Bauer        Ok. Yes sir.

Daly        I wanted to speak earlier.....

Bauer        If you could come to the microphone.

Daly        Good evening. My name is Don Daly, 11 Watchill Place. I waited for the comments to come back before I spoke because everybody had said what we all knew, the schools, the streets. It's about the City annexing. I trust the City more than I would the county for this development. So I trust you more than I would the developer and the county. So for the City to annex this property, I say yes. Because I think it would be handled much better.

Bauer            Thank you. I see another hand. I really would not like to restart the public hearing.

Thompson      I just had a question, I had a.....

Bauer            Please come up to the podium and state your name and address.

Thompson      Yes, my name is George Thompson, I live at 3 Story Drive and I have a sense of jurisdiction shopping here by the developer. At the beginning of the presentation, we left with the impression that this is zoned single family in Montgomery County. And they want to do townhouse development by the annexed in the City of Gaithersburg. Now they claim they can get townhouse development in Montgomery County. So isn't the carpet full of horse hair. They are trying to get a jurisdiction that would grant them townhouse development it seems. So, I'm just concern about their just jurisdiction shopping here as opposed to looking for the best solution for the City, because the people who live in this area really has some extraordinary concerns that are quite legitimate about the impact of this additional development in the most densely developed park of Gaithersburg.

Bauer            Thank you. Does anybody else want to make any more comments because we do need to move on with the next piece of this hearing and give some direction to staff? I see no hands. I guess one thing I wanted to assure the neighbors and remind everyone is that we are very earlier in the process right now. We are sought of the first stop in this whole process. We heard from you tonight and had some excellent comments, excellent insight about the role of a development on this property relative to the surrounding neighbors. What we do with that is combine this with the analysis that the staff would provide us and offer a recommendation to the Council and they will ultimately make the decision regarding the annexation. One thing I need to talk to staff about tonight before we move

on, and you'll hear this, but I'm not sure you can necessarily comment. But we need to understand that the very specific terms, how much of the proposed annexation and the recommendation we subsequently give to the Council includes or doesn't include what you saw on the site plan. Because that may or may not really be a part of this stage in the process. So we are going to need to discuss that a little bit and you will over hear that, but I not sure we are going to talk about it tonight. And we will also be having a conversation about how much more information we need to prepare this recommendation. I would like to move on to that part of the discussion. Did you want to wrap up with anything from staff or should we just move into the points? From all of this, I had some questions early on. Levy you were (inaudible) some of it. I think in analyzing how many units can fit and should fit on the property. Emphasize not from a quality of life or appropriateness, the context prospective, but just as a math exercise, I think we really need to understand the assumptions that are being made about the unit size and a true analysis of what that represents. If they are two stories, three stories, how much square footage is on the site based on the number of units, what type of units they are? I think that we need a more formal and sought of direct accounting of the Master Plan Themes with this plan. Now, again this only goes to the point of whether we are actually going to consider an actual concept plan at this point or just the annexation. But certainly, within the Master Plan Themes, are issues regarding mixed, there are issues regarding quality of life. And I don't thing we have it in our package, it hasn't been entered as an exhibit yet, the full accounting of how this addresses the Master Plan Themes. I would like to see more work done on that. Housing Policy is still in play, am I right Trudy, that's still a component of our Master Plan?

Schwarz      It has not been a method to the Housing Policy that was approved a number of years ago.

Bauer I think we need to see this unit count in relationship to our housing policy in a more formal way. I also think there is some discussion because the annexation application asked for a rezoning RPT, Trudy if we can get a little better, gets the analysis explained. Some of the things like forestation and greenspace calculations. Make sure we have that in from of us for discussion because I think at this point; it is still a little bit sketchy. The traffic study, I think becomes critical. And I don't know, I believe it was stated that, was there a study submitted for this application, Trudy?

Schwarz We have not received one.

Bauer Ok. But a number of the traffic studies are conducted really based numbers (inaudible). I think we need special attention regarding safety issues. If there is a way for them to capture that in the actual study, I think we need to understand a little better.

Schwarz Now, some of things you are requesting are actually, more require that the applicant needs to provide a basis for that. And they need to prove their statements that they are stating.

Bauer I'm not implying that staff does this. I guess I'm putting it out there as what I think we need, the Commission needs before we have the conversation about our recommendation. There was some discussion tonight about what the county master plan showed with regard to an interchange. And I know that that was out there. But also the ICC alignment or the proposed alignment, we probably should have a peek at that and have some analysis from staff on how that plays out. The school analysis, obviously we want to get something formal from the school system, get a copy of the letter, copy of the memo. But I guess generally speaking, there's an overall need for more data, more information about what's behind all of this. Which kind leads me to the last question I have and that is, are we, assuming we move this to an agenda item in the near

future meeting for us to make a recommendation, how much or how little are we looking at a site plan? What type of site plan?

Schwarz Well, as you know in the past, when we had annexations, many of them have gone with the site plan. So the Planning Commission, one of the reasons they make a recommendation is to look at that site plan and make an analysis of the site plan from the planning issue. As you know, the Mayor and City Council do have the right to enter into an annexation agreement, but they will be depending on the Planning Commission to do planning analysis and the Planning staff will be providing a recommendation.

Bauer So I guess to that end, you will still need time to analyze the most recent plan to get your recommendation back to us.

Schwarz And to review the updated Natural Resources Inventory and the noise analysis which we have not received yet. And the traffic studies.

Bauer I guess what I'm asking is, if a site plan rides along with this, then all of these things need to be there to support it. If it doesn't, we only consider an annexation recommendation and a rezoning, then all that other stuff wouldn't necessarily need to be there, but then the site plan couldn't be apart of the discussion, is that a fair way to characterize it?

Schwarz Yes.

Bauer Ok. So, did I capture everything in the questions the list of things that still need to be reviewed, noise study, forestation, schools, (inaudible).

Levy Is Trudy saying that we are going to look at the site plan because that what normally comes in and what we have requested to do is make a

determination on 6.07 units per acre, I think we need to see the plan. So I don't think we can avoid that.

Bauer I guess the other question is, we've got as a recommendation or a tentative schedule, do we close the record in 20 days which would then push, put our recommendation at the January 5 meeting, our next meeting, assuming that all of this information comes in on time. I wonder if that is realistic, if we should hold the record open until our next meeting to make sure that everything has been submitted. I'm trying to get a read here from Trudy.

Schwarz Well, it is a very limited time to hold the record open.

Levy There is still a lot of stuff still outstanding.

Hicks I was going to say, considering the holidays and everything else. I feel more comfortable if we left the record open until January 5<sup>th</sup>.

Bauer Greg, do you want to comment on that.

Ossont For the record, Greg Ossont, Planning and Code Administration Director. I think that provided the applicant gets all the information in before the record closes and we are comfortable with our staff analysis and move forward on the 5<sup>th</sup>, look for recommendation. But I'm sure the applicant is in a position to do that, whether they are going to be able to do that or not. Maybe we ought to hear from them as far as whether that's possible or not or realistic from their end given the list of items you just read off.

Schwarz I think we would need something that would allow the staff at least two weeks to review.

Ossont Yes, definitely. So, if we are looking at closing the record on the 21<sup>st</sup>, we are certainly going to need.....

Schwarz      We have to have our staff analysis by the 21<sup>st</sup>.

Ossont        So, we are going to need something a couple of weeks before that. But I don't know if all that information can be obtained.

Bauer        In terms of procedure, we can close the record at our next meeting if everything were in place or we could look at what comes in the packet and decide if there is enough information to move the recommendation forward.

Levy          You have me confused. You are saying that we are going to hold the record open until our next meeting and at the meeting; we are going to make a recommendation?

Bauer        I'm just throwing it out there. What seems to be the need is that we have more time for more information to come in for staff analysis, but we don't necessarily need to not put it on our next agenda. If we could assume that things will be pulled together for the next meeting, but if its not, we can defer it.

Levy         Should we hear from Ms. Sears as to whether she thinks the applicant could do this by cut off date that we have?

Sears        I would think that we could provide you everything that you asked for in terms of the completed traffic study, the.....

Bauer        Is it underway now?

Sears        Yes, it should be done very shortly. So I would think 10 days to pull everything together that you have asked for from the applicant's point of view would be sufficient.

Schwarz Ten business days or ten days?

Sears Seven business days. It's just a matter of getting it together and getting it in and we will probably need a few days with some of the experts that we need to get the final reports from.

Levy And that includes the Natural Resources Inventory?

Sears That has already been submitted. I think Trudy is just not aware of it.

Schwarz The application and the fee?

Sears Submitted today. So, you are just not aware of that. So that's in and we have the traffic study coming within a few days and then the noise study is just about complete. And in fact, the summary results are on the NRI. We are going to give you the written summary in the next few days. Again, seven business days from our point of view, we would be able to conclude putting together all the things that you requested.

Schwarz Two weeks from that day would be Christmas Eve which the City is closed.

Bauer What is the downside to holding the record open until we get all of this all together? At our next meeting or whenever staff sees that.....I don't want to happen is that we arbitrarily decide its 20 days or whatever the number is and then have to come back and reopen things and decide we need more information or it wasn't enough time to analyze it. I just really want to be sensitive to the fact that the holidays coming up, we don't want staff to be scrambling at the last minute and then missing things that we need.



- Schwarz I did not bring my Rules of Procedure, but it would be good to allow, once they submit something, a time period for people to look at what they are submitting and comment to us.
- Bauer Absolutely.
- Monday The problem is, if you close the record the same night that you are prepared to take a vote. There is no room for public comment on things that may be coming in for you to take a look at.
- Bauer Well, that could happen at the meeting. We could hear any public comment on new evidence or new information.
- Schwarz Let me make a suggestion. What I would suggest is that the applicant gets the information requested in by December 10, 2004. That the record closes on say the 7<sup>th</sup> of December and then you, I'm sorry, the 7<sup>th</sup> of January. I apologize. Thank you for your correction. And that you possibly you make a recommendation on the 19<sup>th</sup> instead.
- Bauer Ok. That's fine. So that would place the deadline for the new information to be in by December 10<sup>th</sup> and then we close the record on the 7<sup>th</sup> and that would give the public three weeks or so to review.....
- Schwarz Well, I would recommend that they have their comments in by the 5<sup>th</sup> of December just because the staff, I'm sorry, January, I'm still in November.
- Bauer Alright. So the applicant's submittal is due the 10<sup>th</sup> of December. Public comment is due by January 5, 2005, and the record would close on January 7, 2005. And then meet and review and prepare recommendation on the 19<sup>th</sup>. Is that how this plays out?
- Schwarz Yes.

Bauer           What does the Commission think of that schedule?

Levy            I think it is more realistic instead of what we were trying to bump up against. I think it's fair. It gives the applicant the opportunity they claim they need to prepare what they have been asked.

Bauer           Trudy, do we have anything else we need to talk about on this application before we.....anything that is procedural or content that we need to address?

Schwarz        I don't believe so.

Levy            I just want to ask, Trudy, I had asked you if you could find the housing policy?

Schwarz        Yes. I have a list of things that would be entered into the record.

Levy            John, were you going to ask Ms. Sears to get an analysis (inaudible) look at the property and say, the appropriate usage is townhouses.

Bauer           Yes, I guess piggybacked on that by saying I really wanted the full metric of it with the unit size.....

Sears           Chairman Bauer, did you also want some data as to, I wasn't quite sure if you wanted some additional data as to sizes or what you were asking on that. If you were asking us to do something?

Bauer           From your team, what I want to know is what the assumptions are about the unit size, what print height, square footage and the analysis that was used as Lenny mentioned, to back the 80 units. So whether it was the

straight math exercise, whether it was what it was, but I want to know what the unit assumption were because I think that has some impact.

Schwarz And analyzing the county.....

Levy One thing I was just going to ask. Are we getting the analysis of what this could have been in the county? I would like to see an explanation of how they came to the conclusion that if they have gone to the county, I know I'm not wording this exactly right, but the 80 units can come to the City off of a piece of property that would have.....

Bauer I think that is basically straight forth. I think that is basically taking the current zoning which is what our R-200 is.

Schwarz But, you would like Ms. Sears to provide a written statement?

Sears I would be happy to do that.

Monday Could I just jump in right quick before I forget? You are saying that January 5<sup>th</sup> public comment closes at 5 p.m., the close of business so that everybody understands.

Schwarz But that would be public comment because I need a couple of days to do staff analysis.

Monday But the record is not closing until the 7<sup>th</sup>.

Schwarz Correct.

Monday But I'm just talking about on the 5<sup>th</sup> for public comment, 5 p.m.

Levy Right. Not at our meeting, but at the close of business for City staff.

Sears And what if it snows?

Bauer That's a good point. If there are weather problems, we will make accommodations for that. Ladies and gentlemen, I must say the public hearing is complete. There will be time for more public comment as the new information comes in. Please, if you haven't, please fill out an attendance sheet to make sure that we can keep in touch with those that want to get the agenda. Anything else, Trudy.

Schwarz You do need to make a motion.

Bauer Alright. So the motion tonight would be to enact the schedule we just talked about regarding the hearing.

Hicks I make the motion that we keep the record for X-181 Crown Farm Point property open until January 7, 2005.

Schwarz With comments, applicants.....

Hicks With the applicant's comments in by the 10<sup>th</sup> of December, 2004 and public comments received by January 5, 2005, 5 p.m.

Levy Second.

Bauer All those in favor?

Commission Ayes.

Bauer Ok. It passes 3-0. We will hold the record open.

Schwarz      And just for the public's information, the next time the Planning Commission will be commenting on this at a public meeting tentatively is scheduled for January 19<sup>th</sup>.

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**End of Public Hearing**

**X-181**

**Crown Farm Point**